IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 14236 of 2004

Between:

Sri Rama SC, BC Labour Contract Cooperative Society, Vallampad,

Karimnagar District rep., by its President Mr.A.Yadaiah.

..... PETITIONER

AND

The Commissioner, Municipal Council,
Karimnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, especially one in the nature of writ of mandamus- i) declaring the action of the respondent in rejecting the request of the petitioner for exemption of payment of EMD for the works upto Rs.20 lakhs as illegal and arbitrary; ii) consequently, direct the respondent to allot the works to the petitioner society with reference to Tender Notification Nos.E1/1050/49/2004 dt.5-2-04, No.E1/1050/53/2004 dt.19-2-04; No.E1/1050/52/2004 dt.19-2-2004 wherever, the petitioner-society is found to be successful bidder duly granting exemption for payment of EMD for the works costing upto the Rs.20 lakhs, as contemplated under GOMs.No.475, dated 28-8-1989 & also in GO Ms.No.275 dt.26-9-1994;

Counsel for the Petitioner:MR.K.VASUDEVA REDDY(not present)

Counsel for the Respondent No.: MR.THIMMA REDDY

The Court at the admission stage made the following ORDER:

None appears for the petitioner.

Aggrieved by the action of the respondent in not granting exemption to the petitioner-Society from payment of Earnest Money Deposit, as contemplated under G.O.Ms.No.475, dated 28.08.1989, G.O.Ms.No.275 dated 26.09.1994 and G.O.Ms.No.52 dated 18.03.2000, the petitioner-Society filed this writ petition.

A plain reading of G.O. Ms.No. 275, dated 26.09.1994 reveals that the registered societies belonging to Scheduled Castes, Scheduled Tribes and Wadderas are exempted from payment of EMD for works costing up to Rs.20.00 lakhs. It is an admitted fact that the petitioner-Society comprises Scheduled castes and Backward classes. Since Backward classes are not brought within the purview of the above said G.O., without going into the merits of the case, I am of the opinion that the petitioner-Society is not entitled for exemption from payment of EMD, as contemplated under the above said G.O. Moreover, the tenders were already opened in February, 2004. Hence, no cause survives in this writ petition.

The writ petition is accordingly dismissed.

02.11.2004

ksld

To

1 The Commissioner, Municipal Council,
Karimnagar District.

2 Two CD copies.